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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-418**

12 **DEBORAH CARR, RN**
1527 First Street, Apt. U108
13 San Diego, CA 92118

14 **Registered Nurse License No. 551553**

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about February 2, 1999, the Board of Registered Nursing issued Registered
23 Nurse License Number 551553 to Deborah Carr, RN (Respondent). The Registered Nurse license
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 28, 2011, unless renewed.

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5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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11. 23
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In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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(b) Use any controlled substance as defined in Division 10 (commencing with section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the

1 public or to the extent that such use impairs his or her ability to conduct with safety
2 to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
5 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
6 record pertaining to, the substances described in subdivision (a) of this section, in
7 which event the record of conviction is conclusive evidence thereof....

8 8. Section 2765 provides:

9 A plea or verdict of guilty or a conviction following a plea of nolo
10 contendere made to a charge substantially related to the qualifications, functions and
11 duties of a registered nurse is deemed to be a conviction within the meaning of this
12 article. The board may order the license or certificate suspended or revoked or may
13 decline to issue a license or certificate, when the time for appeal has elapsed, or the
14 judgment of conviction has been affirmed on appeal or when an order granting
15 probation is made suspending the imposition of sentence, irrespective of a
16 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
17 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
18 setting aside the verdict of guilty, or dismissing the accusation, information or
19 indictment.

20 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
21 revoke a license on the ground that the licensee has been convicted of a crime substantially
22 related to the qualifications, functions, or duties of the business or profession for which the
23 license was issued.

24 10. Section 493 of the Code states:

25 Notwithstanding any other provision of law, in a proceeding conducted by a
26 board within the department pursuant to law to deny an application for a license or
27 to suspend or revoke a license or otherwise take disciplinary action against a person
28 who holds a license, upon the ground that the applicant or the licensee has been
convicted of a crime substantially related to the qualifications, functions, and duties
of the licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
'registration.'

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the
qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare....

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1 Carr, San Diego Superior Court Case No. M870056, Respondent was convicted on her plea of
2 nolo contendere of driving under the influence of alcohol with a blood alcohol content of 0.08%
3 or greater, a violation of Vehicle Code section 23152(b).

4 16. As a result of her conviction, Respondent was sentenced to 180 days in custody,
5 sentence suspended for 5 years, required to pay fines and fees of \$1,373, required to attend and
6 complete a MADD program and had her driving privilege restricted for 90 days.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(July 12, 2007 Conviction of DUI on March 10, 2007)**

9 17. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) for
10 conviction of a crime that is substantially related to the qualifications, functions and duties of a
11 registered nurse in that on July 12, 2007 in *The People of the State of California v. Deborah Carr*,
12 San Diego Superior Court Case No. M016363, Respondent was convicted on her plea of nolo
13 contendere of driving under the influence of alcohol with a blood alcohol content of 0.08% or
14 greater, a violation of Vehicle Code section 23152(b). The circumstances are as follows.

15 18. On March 10, 2007, Officer L. of the San Diego Police Department responded to a
16 call of a female driver whose vehicle was stuck on railroad tracks on Harbor Drive. When he
17 arrived, Officer C. was at the scene and a silver Honda Civic was on the train tracks with one
18 wheel elevated between the tracks and the right front wheel buried in the gravel. The officers
19 were unable to remove the vehicle from the tracks. When Officer L. made contact with
20 Respondent to ask how her vehicle got stuck on the tracks, Officer L. detected the odor of alcohol
21 from Respondent. She admitted to having consumed two beers. Respondent fell after she was
22 directed to walk to the front of Officer C.'s vehicle. She failed field sobriety tests. Respondent
23 consented to a blood test, which resulted in a blood alcohol content of 0.21%.

24 19. As a result of her conviction, Respondent was placed on probation for 5 years,
25 ordered to serve 96 hours in custody, ordered to participate in a public service work program for
26 10 days and required to pay \$2,162 in fines and fees.

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1 1. Revoking or suspending Registered Nurse Number 551553, issued to Deborah Carr,
2 RN;

3 2. Ordering Deborah Carr to pay the Board of Registered Nursing the reasonable costs
4 of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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9 DATED: 3/8/10

for Stacie Benson
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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